Article - State Government

§9–1A–08.

(a) In addition to other information required by this subtitle, a business entity applying for a video lottery operation license shall provide the following information:

(1) the organization, financial structure, and nature of all businesses operated by the business entity;

(2) the names, personal employment, and, when applicable, criminal histories of the officers, directors, partners, and principal employees of the business entity;

(3) the names of all holding, intermediary, and subsidiary companies or other similar business entities of the business entity;

(4) the organization, financial structure, and nature of all businesses operated by the business entity's holding, intermediary, and subsidiary companies or other similar business entities;

(5) the rights and privileges acquired by the holders of different classes of authorized securities, partnership interests, or other similar ownership interests of the business entity and its holding, intermediary, and subsidiary companies or other similar business entities;

(6) the terms on which the securities, partnership interests, or other similar ownership interests have been or are to be offered;

(7) the terms and conditions of all outstanding loans, mortgages, trust deeds, pledges, or other indebtedness or security devices utilized by the business entity;

(8) the extent of the equity security holding in the business entity of the officers, directors, partners, and underwriters and their remuneration in the form of salary, wages, fees, or otherwise;

(9) the names of persons other than the directors and officers who occupy positions specified by the Commission or whose compensation exceeds an amount determined by the Commission;

(10)   the names of persons who own or control the business entity;

(11)   a description of all bonus and profit sharing arrangements;

(12)   copies of management and service contracts; and

(13)   a listing of stock options.

(b)   If a business entity that applies for a video lottery operation license is a subsidiary or if a business entity holding a video lottery operation license is to become a subsidiary, each holding company and each intermediary company with respect to the business entity shall, as a condition of the subsidiary acquiring or retaining a video lottery operation license:

(1)   qualify to do business in the State; or

(2)   furnish the Commission with the information required under subsection (a) of this section and other information that the Commission or the Video Lottery Facility Location Commission may require.

(c)   (1)   Except as provided in paragraph (2) of this subsection, an individual applying for a video lottery operation license shall provide, to the extent applicable to an individual, the information required under subsection (a) of this section in the form required by the Commission.

(2)   The Commission may waive the requirement to provide the information required under subsection (a) of this section for an institutional investor.

(d)   The Commission shall disqualify an applicant for a video lottery operation license on the basis of any of the following criteria:

(1)   failure of the applicant to prove by clear and convincing evidence that the applicant and each person who owns or controls the application are qualified under the provisions of this subtitle;

(2)   failure of the applicant or any person required to be qualified under this subtitle as a condition of a license to provide information, documentation, and assurances required by this subtitle or requested by the Commission;

(3)   failure of the applicant or any person required to be qualified under this subtitle as a condition of a license to reveal any fact material to qualification;

(4)   supplying, by the applicant or any person required to be qualified under this subtitle as a condition of a license, information that is untrue or misleading as to a material fact concerning the qualification criteria;

(5)   conviction of the applicant or of any person required to be qualified under this subtitle as a condition of a license of an offense under the laws of any jurisdiction that is a criminal offense involving moral turpitude or a gambling offense;

(6)   current prosecution of the applicant or a person who is required to be qualified under this subtitle as a condition of a license for an offense described under item (5) of this subsection, provided that, at the request of the applicant, the Commission may defer its decision on the application during the pendency of the charge;

(7)   pursuit by the applicant or a person who is required to be qualified under this subtitle as a condition of a license of economic gain in an occupational manner or context that is in violation of the laws of the State, if the pursuit creates a reasonable belief that participation of the applicant in video lottery operations would be inimical to the policies of this subtitle;

(8)   identification of the applicant or a person who is required to be qualified under this subtitle as a condition of a license as a career offender or a member of a career offender cartel or an associate of a career offender or career offender cartel in a manner that creates a reasonable belief that the association is of a nature as to be inimical to the policies of this subtitle;

(9)   commission of an act within the prior 7 years by the applicant or a person who is required to be qualified under this subtitle as a condition of a license that would constitute an offense described under item (5) of this subsection, even if the act was not prosecuted or may not be prosecuted under the criminal laws of any jurisdiction; and

(10)   willful defiance by the applicant or a person who is required to be qualified under this subtitle as a condition of a license of a legislative investigatory body or other official investigatory body of the United States or a jurisdiction within the United States when the body is engaged in the investigation of crimes relating to gambling, official corruption, or organized crime activity.